

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

OPTUM, INC. and OPTUM SERVICES,)	
INC.,)	
Plaintiffs,)	
)	
v.)	C.A. No. 19-10101-MLW
)	
DAVID WILLIAM SMITH,)	
Defendant.)	
)	

ORDER

WOLF, D.J.

January 29, 2019

Defendant David Smith, John Stoddard, Caitlin Fleming, Steven Wolin, and Christopher Andrews are each potential witnesses if the court hears testimony concerning plaintiffs' motion for Temporary Restraining Order. It is hereby ORDERED that:

1. Each potential witness be present to testify, if necessary, at the January 30, 2019 hearing.¹

2. Each potential witness:

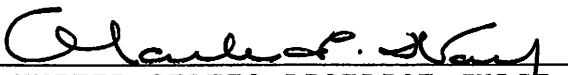
a. Shall not discuss this case, including but not limited to his or her prospective testimony, with any other potential witness;

¹ Any request by a potential witness to be excused from appearing on January 30, 2019 shall be filed forthwith. If allowed, the court may order the potential witness to appear on January 31, 2019 instead.

b. Except for a designated representative of plaintiffs and the defendant, shall be excluded from the courtroom when other witnesses are testifying; and

c. Shall not after testifying tell any prospective witness what he or she was asked or answered.

d. This Order shall not operate to prevent counsel from conferring with a witness prior to his or her testimony. However, unless protected by the attorney-client privilege or some other applicable privilege, such communications may be explored on direct and/or cross-examination of the witness.


UNITED STATES DISTRICT JUDGE